

**TAIWAN NAVIGATION CO., LTD.  
RESPONSE TO  
U.S. EPA CERCLA SECTION 104(e)  
INFORMATION REQUEST**

**Section 1.0 Respondent Information**

1. Taiwan Navigation Co.  
2<sup>nd</sup> floor, No. 29, sec. 2  
Chi Nan Road  
Taipei, Taiwan, R.O.C.  
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E-Mail: [tinctpe@taiwanline.com.tw](mailto:tinctpe@taiwanline.com.tw)
  
2. Mr. Peter Yu  
Manager-Traffic Department of Taiwan Navigation  
Taiwan Navigation Co.  
2<sup>nd</sup> floor, No. 29, sec. 2  
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Mr. Todd Zilbert  
Attorney  
Wood Tatum  
6915 SW Macadam Ave., Suite 115  
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503-721-9385  
503-241-7235 (fax)  
[taz@woodtatum.com](mailto:taz@woodtatum.com)
  
3. Please direct all future correspondence regarding Taiwan Navigation Co.'s involvement with the Portland Harbor Investigation to:  
  
Mr. Todd Zilbert  
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## Section 2.0 Owner/Operator Information

4. Respondent has never owned, leased or operated any real property within the Portland Harbor Investigation Area. Respondent owns and operates motor vessels that occasionally call in the Willamette River. One, the M/V TAI CHUNG, was involved in an oil spill in the Willamette River at the Columbia Aluminum Company dock near River Mile 10. Another, the M/V TAI SHING, was thought to have been the source of an oil sheen detected near the vessel while it was moored at the Swan Island Ship Repair Yard berth 301, but this was disputed by the vessel's Master, officers and crew, and the actual source of the oil sheen is unknown. **For all remaining questions, responses lettered "A" refer to the M/V TAI CHUNG call at Columbia Aluminum in December 1991, and those lettered "B" refer to the M/V TAI SHING call at Swan Island Ship Repair Yard in 1996.**

5A. Respondent's motor vessel TAI CHUNG on 28 December 1991 spilled an estimated 8,000 to 11,000 gallons (Coast Guard estimate) of intermediate fuel oil into the Willamette River near River Mile 10. The vessel was alongside the Columbia Aluminum Company dock in Portland, where it was discharging alumina. At the time of the spill the fuel oil was being received from a fuel barge operated by Brix Maritime Corp. The spill was reported to the United States Coast Guard. Respondent retained Riedel Environmental Services, Inc., to respond and clean up the spill. The spill response was supervised by the Coast Guard, and the spill was cleaned up to the satisfaction of the Coast Guard. On 14 May 1992, Taiwan Navigation Co. was billed \$15,974.77 by the Coast Guard for its removal costs (Bill No. 132011-001-92, Federal Project No. 13-2011). Respondent also paid an \$8,000 penalty imposed by the Coast Guard.

5B. Respondent's motor vessel TAI SHING was associated with an orphan spill at Port of Portland Berth 301 in the Portland Ship Repair Yard on or about 16 September 1996. The TAI SHING arrived at Berth 301 on 15 September 1996 for minor repairs to be performed by Cascade General, at the Swan Island Ship Repair Yard. The vessel grounded while at the berth. On 16 September 1996, a sheen was reported around the vessel. It is possible that the grounding stirred up oil on the river bottom. The Coast Guard believed the oil came from the vessel, possibly from the fuel oil service tank. The Master, officers and crew disputed this. Nonetheless, Respondent arranged for the local oil spill response plan administrator, the Maritime Fire & Safety Association, to implement the plan. The cleanup was performed by Smith/Riedel Environmental Services. Respondent paid all costs of cleanup and a \$1,000 penalty imposed by the Coast Guard.

6. The persons in actual control of TAI CHUNG and TAI SHING at applicable times were the vessel masters, Capt. Dong Ching-Dai and Capt. Chao Chih-Yuan, respectively. Capt. Dong Ching-Dai is no longer employed by Taiwan Navigation Co. Capt. Chao Chih-Yuan was lost at sea in 2004.

7. None.

8. N/A

9. N/A

10A. On information and belief: In December 1991, the Columbia Aluminum dock was owned or operated by Columbia Aluminum Corp., 2600 North River Street, Portland, OR 97208.

10B. On information and belief, at the time of the TAI SHING spill, the shipyard was owned by the Port of Portland and operated by Cascade General.

11. See responses to Question 10.

12. N/A

### **Section 3.0 Description of Each Property**

13A. Respondent is in possession of a survey map of the Columbia Aluminum dock is provided. Entitled "Alta Survey, Martin-Marietta Site for Ticor Title Insurance Co.," and dated 26 Dec 1984, it contains a written legal description and describes over-water and surface structures. **Because it is believed that EPA already has a copy of this document, a copy has not been provided but will be provided upon request.**

13B. No unique knowledge or information. See also response 15B.

14A. See response 13A. The "Alta Survey" map shows the line of ordinary low water and other boundaries.

14B. No unique knowledge or information. See also response 15B.

15A. Respondent obtained from Oregon DEQ copies of the following documents about the Columbia Aluminum property. **Because obtained from Oregon DEQ, Respondent believes EPA already has copies of these documents but will provide a copy of each upon request.**

- a. #2440 Goldendale Aluminum 3/01 REPORT Prelim. Assessment & Dredging Sampling Results.
- b. #2440 Goldendale Aluminum REPORT Preliminary Assessment 3/00.
- c. #2440 Goldendale—6/00 Workplan Sampling & Analysis for Dredging.
- d. #2440 Goldendale Aluminum SITE ASSESSMENT Portland Harbor 2600 N. River Street Portland.
- e. #2440 Goldendale Aluminum AGREE Portland Harbor.
- f. #2440 Goldendale Aluminum COMM Multnomah County 3/00.
- g. #2440 Goldendale Aluminum CON Multnomah County 3/00.

15B. Respondent obtained copies of the following documents from EPA or from Oregon DEQ. **Respondent believes EPA already has copies of these documents but will provide a copy of each upon request.**

- a. Draft Supplemental Preliminary Assessment Swan Island Upland Facility prepared by the Port of Portland dated December 2006.
- b. LWG Portland Harbor RI/FS Round 1 Site Characterization dated 12 Oct 2004.
- c. LWG Portland Harbor RI/FS Comprehensive Round 2 Site Characterization Summary and Data Gaps Analysis Report dated 21 Feb 2007.

16. N/A

17. N/A

18. N/A

19. N/A

#### **Section 4.0 Respondent's Operational Activities**

20. See responses to Questions 4, 5, 21, 30, 44, 51 and 62.

21A. After the TAI CHUNG oil spill at the Columbia Aluminum facility on 28 December 1991, Respondent retained Riedel Environmental Services, Inc., P.O. Box 5007, Portland, OR 97208, to perform the clean up.

a. A large quantity of weathered IFO 180 was removed from the river and riverbanks. The exact amount is not known, but the Coast Guard reported 10,478 gallons of oil were recovered by the cleanup contractors. It is believed that some recovered oil this was recycled, and the rest was disposed of by Riedel Environmental to an appropriate facility. Substantial amounts of oiled cleanup materials, oily debris, and solid oil (tarballs) were also removed and disposed of.

b. Weathered IFO 180.

c. Riedel Environmental Services Hazmat workers deployed boom to contain spilled oil, and removed liquid oil from the water using skimmers, vacuum trucks, absorbent pads, absorbent boom and absorbent snare. Oiled wood and other oiled debris was removed by hand by work crews. Others involved in the pollution response to receive, analyze, transport, and dispose (including recycling) of the recovered oil and oiled debris are believed to include but may not be limited to:

- 1. Brix Maritime Company

2. Burlington Environmental, Inc., 5420 North Lagoon, Portland, OR 97217
3. Columbia Aluminum Company
4. Fuel Processors, Inc., 4150 N. Suttle Road, Portland, OR 97217
5. Hillsboro Landfill, Inc.
6. Oregon Analytical Laboratory
7. Spencer Environmental Services, Inc., 15770 South Beaver Glen Drive, Oregon City, OR 97045, EPA ID#ORD-980-836-415.
8. Sunwest Energy Corp., P.O. Box 17008, Portland, OR 97217
9. Tidewater Environmental
10. Transwestern Helicopters, Inc., Scappoose Industrial Airpark, P.O. Box R, Scappoose, OR 97056
11. Waste Management of Oregon, Inc., 5330 NE Skyport Way, Portland, OR 97218-1244

d. An unknown quantity of weathered IFO 180, oiled debris, oily water and oiled sorbent materials, clothing and equipment was disposed of. It is believed that some recovered oil was recycled by Sunwest Energy Corp.

21B. After the TAI SHING orphan oil spill at the Swan Island Ship Repair Yard, berth 301, on 16 September 1996, Respondent retained Smith Technology Corporation/Riedel Environmental Services to perform the clean up.

- a. A minor quantity of marine fuel oil was removed from the river around the vessel and pier with sorbent pads and boom.
- b. Weathered marine fuel oil; possibly mixed with lube oil.
- c. Smith/Riedel workers deployed sorbent boom and sorbent pads to recover slight amounts of oil from the water. The Coast Guard declared the response complete about 1730 on 16 September 2009.
- d. An unknown quantity of weathered marine fuel oil and oiled sorbent materials used in the cleanup were disposed of.

22. See responses to Questions 4, 5, 21, 30, 44, 51 and 62.

23. See responses to Questions 4, 5, 21, 30, 44, 51 and 62.

24. N/A

25. N/A

26. See response to Question 21.

27. No.

28. N/A

29. N/A

30A. The TAI CHUNG was at Columbia Aluminum to discharge its cargo of 17,012 metric tons of alumina in bulk. The vessel arrived at the berth on 26 December 1991 and began discharging cargo that day. The vessel departed the berth on 31 December 1991.

30B. The TAI SHING was at the Swan Island Ship Repair Yard berth 301 for repairs. It arrived at berth 301 on 16 September 1996. Due to shallow water that caused the vessel to ground at the berth, it shifted to berth 205 on 17 September 1996, and departed on or about 27 September 1996.

31. N/A

32. N/A

33. N/A

34. N/A

35. See response to Question 62.

36. See response to Question 62.

37. N/A

38. The current environmental manager is Mr. K. H. Huang, the General Auditor of Taiwan Navigation Co., Ltd. The person in that position at the times of the two spills, now retired, was Mr. C. C. Shih. See also response to Question 6.

39. See response to Questions 21 and 62.

40. See response to Question 21 and 62.

41. N/A

42. Unknown.

43. N/A

44A. N/A

44B. Repairs required by the U. S. Coast Guard aboard the M/V TAI SHING in September 1996 are itemized on the Port State Boarding Report dated 10 Sep 1996. The activities conducted by the repair contractor, Cascade General, on the M/V TAI SHING in September 1996 were those needed to perform the itemized repairs. Respondent does not have detailed information about the nature of the work required to effect the repairs.

45A. N/A

45B. Unknown. See also responses to Questions 4, 5 and 62.

46A. N/A

46B. Most documents about or relating to the work on the TAI SHING at the Portland Ship repair Yard in 1996 have been destroyed. The following document is provided:

- a. U. S. Coast Guard Port State Boarding Report, 10 Sep 1996.

47. N/A

48. N/A

49. N/A

## **Section 5.0 Regulatory Information**

50A. The United States Coast Guard oversaw the response to the TAI CHUNG spill at Columbia Aluminum, Federal Project Number 13-2011. The person in charge was Capt. James Townley, then Captain of the Port. In addition, Oregon DEQ personnel attended to monitor the response. Oregon DEQ's reference is Spill #91-179. Oregon DEQ's investigator was Bruce Sutherlin. Others who may have information are Greg Yarrow, Paul Slyman, Richard Reinemann, Marty Smith, Bob Hennessy, John Techout and Chris Stubblefield of the U.S. Coast Guard; B. Robart of Oregon Department of Fish & Wildlife; and Elizabeth Denning of Oregon DEQ.

50B. The United States Coast Guard oversaw the response to the TAI SHING orphan spill at Swan Island. The Coast Guard officer in charge LT Maizer, assisted by LT Bjergo.

51A. Respondent Taiwan Navigation Co. was assessed a penalty by the Coast Guard for the TAI CHUNG spill at Columbia Aluminum, Case No. 132MV91010746. In view of the owner's "excellent response" to the spill, the Coast Guard reduced the proposed \$10,000 penalty to

\$8,000, which was paid. The reduced penalty was paid and the case was closed 13 July 1993. See also the following documents produced with these responses:

1. Proposed penalty, TNC00072
2. Mitigation petition, TNC00073-00078
3. Decision, TNC00080-00082
4. Payment confirmation, TNC00079
5. Riedel Environmental Services, Inc., Invoice 104978, dated 23 January 1992, TNC00132
6. Riedel Environmental Services, Inc., Invoice 105031, dated 19 February 1992, TNC00131
7. Riedel Environmental Services, Inc., Invoice 104978CM, dated 26 February 1992 (credit), TNC00130
8. Dan Lobato Log, 28 December 1991 – 7 January 1992, TNC00059-00071

51B. Respondent Taiwan Navigation Co. was assessed a \$1,000 penalty for the TAI SHING orphan spill at the Swan Island Ship Repair Yard. Although respondent denied responsibility for the spill, it paid the \$1,000 penalty as more economically expedient than petitioning for cancellation. See also the following documents produced with these responses:

1. Confirmation of claim closure, TNC00297-00302
2. Smith Invoice, TNC00303-00304
3. OAL report, TNC00305-00320
4. OAL report, TNC00321-00334
5. Master's Sea Protest, TNC00335
6. OAL Chain of Custody, TNC00336
7. USCG COTP Letter demanding LOU, TNC00337-00338
8. USCG Port State Control Boarding Report, TNC00339-00341
9. Michael Kay fax, TNC00342
10. Vessel documents, TNC00343-00359
11. TAI SHING Piping Diagram, TNC00360-00387
12. TAI SHING Capacity Plan, TNC00388-00396
13. USCG PSIX Report as of 30 Jun 1996, TNC00397-403

52. N/A

53. N/A

54. N/A

55. N/A

56. N/A

57. N/A



58A. The TAI CHUNG oil spill was reported under the Clean Water Act, 33 U.S.C. §1321(b)(5), as amended by the Oil Pollution Act of 1990, Pub. L. 101-380, 18 August 1990, 104 Stat. 484. It is believed that spill reports were made to the U. S. Coast Guard Marine Safety Office in Portland, Oregon, and to the National Response Center, on 28 December 1991, NRC case reference 101034.

58B. The TAI SHING orphan spill was reported under the Clean Water Act, 33 U.S.C. §1321(b)(5), as amended by The Oil Pollution Act of 1990. It is believed reports were made orally to the National Response Center and to the Maritime Fire & Safety Association, the oil spill response plan holder for the Lower Columbia River, about 0910 on 16 September 1996.

59. N/A

60. N/A

61. N/A

#### **Section 6.0 Releases and Remediation**

62A. For the TAI CHUNG oil spill at Columbia Aluminum, please see list of documents provided, see Response 51A, above, and the following information:

- a. 28 December 1991.
- b. Accidental release during bunkering operations. The vessel was receiving IFO 180 from a bunker barge.
- c. Amount estimates vary from a low of 2,933 gallons (vessel calculation based on amount delivered and amount remaining on board) to a high of 11,000 gallons (cleanup contractor Riedel Environmental Services estimate). Ultimately the Coast Guard concluded 11,000 gallons were spilled and 10,478 gallons were recovered. The product spilled was identified as intermediate fuel oil, IFO 180.
- d. Spill location: Columbia Aluminum Dock, about River Mile 10.
- e. Hazmat workers employed by lead contractor Riedel Environmental Services and others deployed boom to contain spilled oil, and removed liquid oil from the water using skimmers, vacuum trucks, absorbent pads, absorbent boom and absorbent snare. Oiled wood and other oiled debris was removed by hand by work crews. The Coast Guard and NRC were notified of the spill.
- f. The Coast Guard sampled oil in the water and oil in the vessel's tanks. Responsibility for the spill was accepted by Respondent.
- g. Persons with information are believed to include:

1. Manager-Traffic Department of Taiwan Navigation
  2. Counsel for Respondent, Todd Zilbert, Wood Tatum.
  3. The following U. S. Coast Guard personnel were involved in the response: Capt. James Townley, Greg Yarrow, Paul Slyman, Richard Reinemann, Marty Smith, Bob Hennessy, John Techout and Chris Stubblefield.
  4. Oregon DEQ personnel Bruce Sutherlin and Elizabeth Denning attended during the pollution response operations.
  5. B. (or G.) Robart of Oregon Department of Fish & Wildlife attended during the pollution response operations.
  6. The person in charge for Riedel Environmental Services was John Peterson. The response managers for Riedel Environmental Services were D. Lobato and E. Heinitz.
  7. Columbia Aluminum's person in charge of the spill response was Donald Leffler, Dock Superintendent. Other Columbia Aluminum personnel with knowledge of the spill were Tim Smith, Dave Kannard, Brian Brown, and John Witherow.
  8. The TAI CHUNG Master was Dong Ching-Dai; the Chief Engineer was Yao Hsioh Chang.
- h. The Coast Guard and NRC were notified. The NRC case reference is 101034. Both the Coast Guard and the Oregon Department of Environmental Quality responded. In addition, at least one person from the Oregon Department of Fish & Wildlife is believed to have attended.

62B. For the TAI SHING orphan spill at Swan Island, see list of documents provided at Response 51B, above, and the following information:

- a. 16 September 1996.
- b. Orphan spill, possibly oil stirred from the bottom during a grounding. Cause, source were disputed.
- c. Approximately 2 to 30 gallons of marine fuel oil.
- d. Spill location: Portland Ship Repair Yard, berth 301.
- e. Lead cleanup contractor Smith/Riedel Environmental Services workers deployed sorbent boom and sorbent pads to recover slight amounts of oil from the water. The NRC

and Maritime Fire & Safety Association were notified about 0910 on 16 September 2009. The Coast Guard declared the response complete about 1730 on 16 September 2009.

f. The Coast Guard sampled oil in the water and oil in the vessel's tanks. Responsibility for the spill is disputed, but Respondent paid all response costs and paid a \$1,000 penalty assessed by the Coast Guard.

g. Persons with information:

1. Manager-Traffic Department of Taiwan Navigation
2. Counsel for Respondent, Todd Zilbert, Wood Tatum.
3. Lt. Christiana Bjergo, U. S. Coast Guard.
4. The Master of the TAI SHING was Chao Chih Yuan, and the Chief Engineer was Ger Chyrr Pyng, both citizens of the Republic of China.

h. The NRC and Maritime Fire & Safety Association were notified, and the Coast Guard responded.

63. N/A

64A. The report identified in responses 15A.1.a. and c. contain information about dredging performed at the Columbia Aluminum dock. Respondent has no specific information or documents.

64B. Unknown.

65. N/A

66. N/A

67A. The fuel oil spilled by the TAI CHUNG was identified as IFO 180. It was new oil being received from a fuel oil barge. It was not used or waste oil and was not a "hazardous substance, waste or material."

67B. The TAI SHING orphan spill involved a sheen emanating from around the vessel at Swan Island Ship Repair Yard berth 301. The small amount of recovered product was identified as a mix of fuel and lube oils, weathered. Quantity unknown, estimated to be "a few gallons."

a. Weathered marine fuel and lube oils.

b. 16 September 1996.

c. Quantity unknown, but this was a minor event involving sheen on the water. The location was the Swan Island Ship Repair Yard, berth 301.

d. Yes.

e. The cleanup materials and a small amount of recovered product were disposed of by cleanup contractor Smith/Riedel Environmental Services.

68. N/A

69. N/A

#### **Section 7.0 Property Investigations**

70. N/A

71. N/A

72. See responses to Questions 4, 5, 21, 44, 51, 62 and 82.

73. No.

#### **Section 8.0 Corporate Information**

74. NIL.

75. Tai Shing Maritime Co., S. A.  
No. 29, Sec. 2, Chi Nan Road, Taipei, Taiwan  
Tel:886-2-2394-1769, Fax: 886-2-2321-6008

Shin Wang Maritime Inc.  
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76. N/A

77. N/A

78. N/A

#### **Section 9.0 Compliance with this Request**

79. Primary sources consulted were the two case files kept by Respondent's attorneys, Wood Tatum, relating to the two spills identified.

- a. (1) Todd Zilbert, Attorney, Wood Tatum;
- (2) Peter Yu, Taiwan Navigation Co.
- (3) Mr. T. Chen, Taiwan Navigation Co.
- (4) Mr. J. L. Chyou, Taiwan Navigation Co.

- b. (1) Office of Wood Tatum;  
(2) Office of Taiwan Navigation Co.  
(3) Office of Taiwan Navigation Co.  
(4) Office of Taiwan Navigation Co.

c. August – November 2009

Counsel also reviewed documents obtained from EPA and Oregon DEQ about the Portland Harbor Superfund Site. See responses to Requests 13, 15, 62.

80. N/A

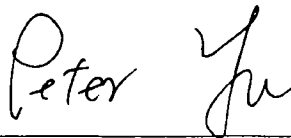
81. Other than documents in Wood Tatum's case files, potentially responsive documents in the possession or control of Respondent relating to the M/V TAI CHUNG and M/V TAI SHING spills or to ship repair work done to M/V TAI SHING in 1996 have been destroyed. No copies are known to exist. Taiwan Navigation has no formal policy on document retention. However, documents were retained for 5 years and then destroyed in the normal course of business, and not in reaction to this or any other information request.

82. Privileged attorney-client communication and protected attorney work product has been withheld. See privilege log.

#### DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true and correct.

Executed on 24 November 2009.



Signature

Peter Yu  
Manager-Traffic Department of Taiwan Navigation  
Taiwan Navigation Co.  
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Taipei, Taiwan, R.O.C.